

ENTERED

October 26, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

CARTIUS LYRONE MONTGOMERY,

Plaintiff,

VS.

LORIE DAVIS,

Defendant.

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MISCELLANEOUS ACTION NO. 7:18-MC-
988

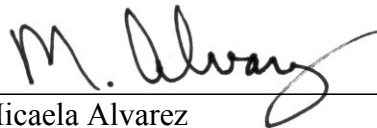
ORDER

On August 18, 2020 this Court adopted the Magistrate Court's Report and Recommendation recommending that the application to proceed in forma pauperis filed by Petitioner Cartius Lyrone Montgomery ("Petitioner") be denied as Petitioner had the means to pay the \$5.00 filing fee. Petitioner was given thirty days to pay the fee or suffer dismissal of his case.

Petitioner has not paid the filing fee but rather has filed yet another application to proceed in forma pauperis. Petitioner has also filed a statement of his account balance. That statement does now reflect a six-month balance of less than \$5.00. However, this case has been on file since May 2018 and for the majority of that time, Petitioner has had a balance in his account of much more than \$5.00. Thus, Petitioner has had the means to pay the \$5.00 filing fee. Petitioner cannot simply keep postponing payment until he exhausts his resources. Based on the entire record before the Court, Petitioner's renewed application to proceed in forma pauperis is again **DENIED. Petitioner must pay the \$5.00 filing fee no later than November 25, 2020 or this case will be dismissed.**

IT IS SO ORDERED.

DONE at McAllen, Texas, this 26th day of October, 2020.



Micaela Alvarez
United States District Judge